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EXAMINER	
GABLER, PHILIP FRANCIS	
ART UNIT	**PAPER NUMBER**
3637	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,134	MARX, MICHAEL	
	Examiner	Art Unit	
	Philip Gabler	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-23 and 25-51* is/are pending in the application.

4a) Of the above claim(s) *36-50* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-23,25-35 and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 12, 15-20, and 25-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Morghen (US Patent Number 5823588).

3. Regarding claims 8, 12, 15, 16, and 20, Morghen discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (12, including 26, 40, 43, etc.) comprising a first body portion (16, 40, etc.) and a second body portion (14, 18, etc.), said anchor body positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by 16, 40 and 41, and fixed in dimension in as much as Applicant's notch is) in the first body portion receives the edge of the surface, said second body portion comprising a coupler (22, 26) extending outward from the opening, said coupler capable of coupling to an external device, the first body portion having a first planar member (16) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member, said anchor body having a flange (20) fixedly coupled to said first

planar member (via the second body portion) and said coupler, the second body portion being rotatably coupled to the first body portion (in that by removing fasteners 17, the second body portion could be rotated in increments of 90°) and having a second planar member (14) disposed parallel to the surface, coupled to the first planar member, and sized greater than said opening. [Note that while a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.]

4. Regarding claims 17-19, Morghen further discloses the second planar member has a first length (in the longitudinal direction) greater than an opening length and a first width (in the lateral direction) greater than an opening width (the opening length and width being the equivalent, longitudinal and lateral, measures of the opening).

5. Regarding claims 26 and 27, Morghen discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: a first body portion (16, 40, etc.) having a longitudinal side (Figure 2) and a lateral side (Figure 3), said first body portion positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by 16, 40 and 41, and fixed in dimension in as much as Applicant's notch is) formed in the lateral side receives the edge of the surface and partially positioned on said surface over said opening and a first member (16) positioned over the opening to engage a top surface of the deck; and a second body portion (14, 18, etc.), having a coupler (22, 26) extending outward from the first body portion, said coupler capable of coupling to an external device, the second body

portion being rotatably coupled to the first body portion (in that by removing fasteners 17, the second body portion could be rotated in increments of 90°). [Note that while a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.]

6. Regarding claim 25, Morghen further discloses the notch comprises a generally U-shape notch (see figures).

7. Regarding claims 28 and 29, Morghen further discloses the second body portion is fixedly coupled to the first body portion (via elements 17) forming a unitary structure.

8. Regarding claim 30, Morghen further discloses a flange (20) fixedly coupled to said first body member (via the second body portion) and said coupler.

9. Regarding claims 31 and 32, Morghen further discloses said first body portion further comprises an extension portion (17) having a circular shape, said extension portion extending into said second body portion.

10. Regarding claims 33 and 34, Morghen further discloses said second body portion comprises a first planar member (23) extending parallel to the surface and a second planar member (14) coupled to said first body portion and sized greater than said opening.

11. Regarding claim 35, Morghen further discloses the second body portion comprises a channel (through which 17 passes) therethrough for receiving a fastener (17), said fastener coupling said first body portion and said second body portion.

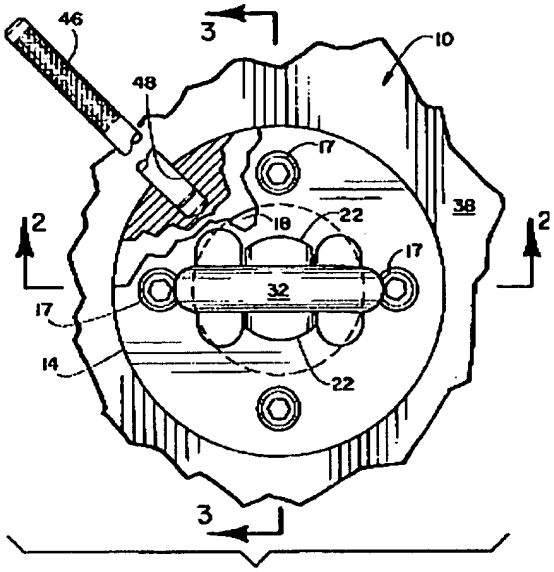


FIGURE 1

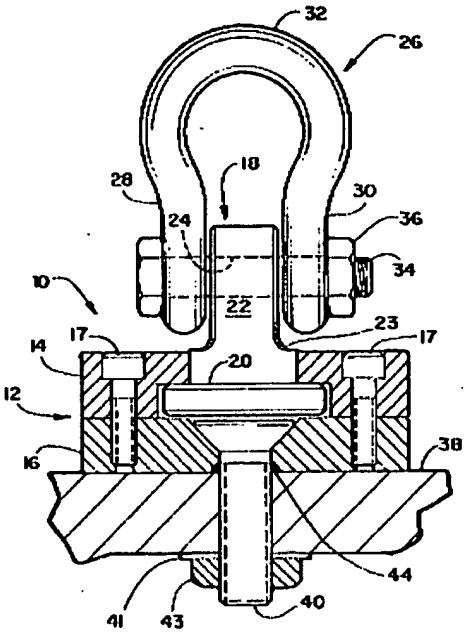


FIGURE 2

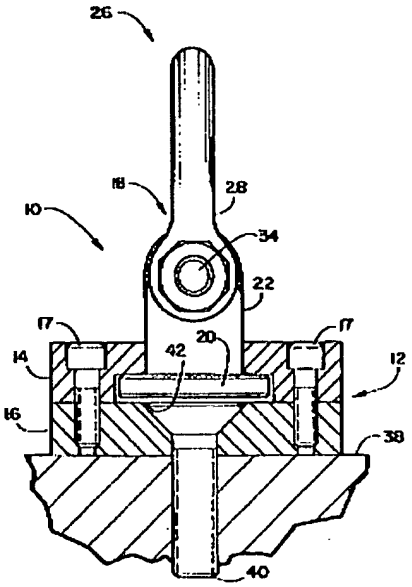


FIGURE 3

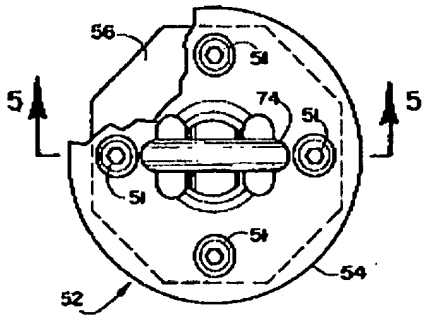


FIGURE 4

Morghen '588 Figures 1-4

12. Claims 2-18, 20-23, 25-35, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Celette (US Patent Number 4519236).

13. Regarding claim 3, Celette (Figures 1, 2, and 4) discloses an anchor device (1, 2, 5, 14, etc.) for coupling an external device to a surface of a deck (6), said anchor device

being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) having a rectangular shape (various components of the anchor are rectangular, and its form is generally rectangular) with a longitudinal side (on left of Figure 1) and a lateral side (side seen in Figure 2), said anchor body positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by elements 5a and 5b, and fixed in dimension in as much as Applicant's notch is) formed in the lateral side receives the edge of the surface, said anchor body comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device (for instance a vehicle body, not shown, but described in column 3 lines 16-21).

14. Regarding claim 2, Celette further discloses the notch comprises a generally U-shape notch (see figures).

15. Regarding claim 4, Celette further discloses the coupler comprises a first coupler (19 of 16) and a second coupler (18).

16. Regarding claim 5, Celette further discloses said first coupler and said second couple have a respective first coupling hole (in 19 for bolt 22) and a second coupling hole (in 18 for bolt 22) therethrough.

17. Regarding claim 6, Celette further discloses said first and second coupling holes are coaxial.

18. Regarding claim 7, Celette further discloses the anchor body comprises a first body portion (1) and a second body portion (5a, 5b, etc.), said first body portion having the coupler and said second body comprising said notch.

19. Regarding claims 9 and 10, Celette further discloses the second body portion is fixedly coupled to the first body portion (via screw element 2) forming a unitary structure.

20. Regarding claim 11, Celette further discloses the first body portion has a first planar member (horizontal member of 16) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member.

21. Regarding claims 13 and 14, Celette further discloses said first body portion further comprises an extension portion (2) having a circular shape, said extension portion extending into said second body portion.

22. Regarding claim 21, Celette further discloses the second body portion comprises a channel (through which 2 passes) therethrough for receiving a fastener (2), said fastener coupling said first body portion and said second body portion.

23. Regarding claim 22, Celette further discloses a fastener plate (11a) coupled to the second body portion.

24. Regarding claims 8, 12, 15, 16, and 20, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) comprising a first body portion (5a, 5b, etc.) and a second

body portion (1), said anchor body positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by elements 5a and 5b, and fixed in dimension in as much as Applicant's notch is) in the first body portion receives the edge of the surface, said second body portion comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device, the first body portion having a first planar member (horizontal member of 5a) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member, said anchor body having a flange (17) fixedly coupled to said first planar member (via element 2) and said coupler, the second body portion being rotatably coupled to the first body portion and having a second planar member (horizontal member of 16) disposed parallel to the surface, coupled to the first planar member (via element 2), and sized greater than said opening (at least in one dimension). [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

25. Regarding claims 17 and 18, Celette further discloses the second planar member has a first length or width (in the longitudinal direction) greater than an opening length or width (the opening length or width being the equivalent measure of the opening).

26. Regarding claim 23, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) positioned at least partially within said opening so that a notch (viewed as the

notch formed by elements 5a and 5b) receives the edge of the surface, said anchor body comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device, said coupler being trapezoidally-shaped (elements 18 and 19 both have trapezoidal shape, see Figure 4). [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

27. Regarding claims 26 and 27, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: a first body portion (5a, 5b, etc.) having a longitudinal side (on left of Figure 1) and a lateral side (side seen in Figure 2), said first body portion positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by elements 5a and 5b, and fixed in dimension in as much as Applicant's notch is) formed in the lateral side receives the edge of the surface and partially positioned on said surface over said opening and a first member (horizontal member of 5a) positioned over the opening to engage a top surface of the deck; and a second body portion (1), having a coupler (formed by 16 and 18) extending outward from the first body portion, said coupler capable of coupling to an external device, the second body portion being rotatably coupled to the first body portion. [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

28. Regarding claim 25, Celette further discloses the notch comprises a generally U-shape notch (see figures).

29. Regarding claims 28 and 29, Celette further discloses the second body portion is fixedly coupled to the first body portion (via screw element 2) forming a unitary structure.

30. Regarding claim 30, Celette further discloses a flange (17) fixedly coupled to said first body member (via element 2) and said coupler.

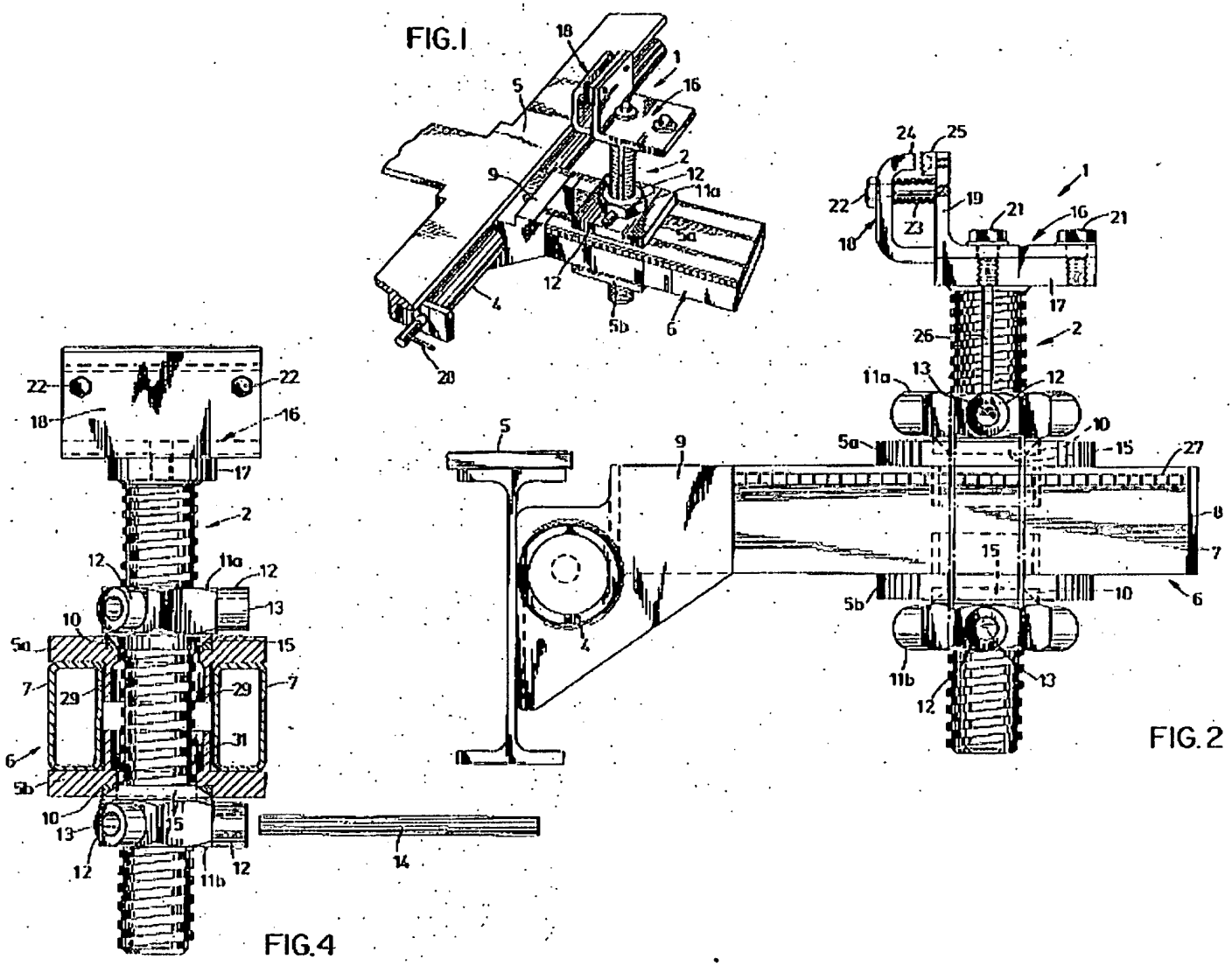
31. Regarding claims 31 and 32, Celette further discloses said first body portion further comprises an extension portion (2) having a circular shape, said extension portion extending into said second body portion.

32. Regarding claims 33 and 34, Celette further discloses said second body portion comprises a first planar member (lower horizontal portion of 18) extending parallel to the surface and a second planar member (horizontal member of 16) coupled to said first body portion (via element 2) and sized greater than said opening (at least in one dimension).

33. Regarding claim 35, Celette further discloses the second body portion comprises a channel (through which 21 passes) therethrough for receiving a fastener (21), said fastener coupling said first body portion and said second body portion (via element 2).

34. Regarding claim 51, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the deck, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.)

comprising a first body portion (5a, 5b, etc.) and a second body portion (1, etc.), said anchor body positioned at least partially within said opening so that a notch (in element 5b) in the first body portion receives the edge of the deck, said first body portion having a unitary structure (in that the elements are connected; 5a and 5b connected by 2, for example) including a first planar member (horizontal member of 5a) disposed adjacent to an upper surface of the deck and having at least one dimension larger than the opening, and a second planar member (5b) having the notch formed therein, said second planar member extending adjacent to the edge and a lower surface of the deck, said second body portion comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device. [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]



Celette '236 Figures 1, 2, and 4

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

36. Claims 2-7, 9-11, 13, 14, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morghen.

37. Regarding claim 3, Morghen (Figures 1-3) discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (12, including 26, 40, 43, etc.) having a longitudinal side (Figure 2) and a lateral side (Figure 3), said anchor body positioned at least partially within said opening so that a fixed-dimension notch (viewed as the notch formed by 16, 40 and 41, and fixed in dimension in as much as Applicant's notch is) formed in the lateral side receives the edge of the surface, said anchor body comprising a coupler (22, 26) extending outward from the opening, said coupler capable of coupling to an external device. [While a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.] Morghen does not disclose an anchor body having a rectangular shape. Varying the shape of a body is well known in the art however, as shown by Morghen, who discloses both round and octagonal (see for example Figure 4) anchor body shapes. Accordingly, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to vary the shape of Morghen's anchor body to use a rectangular shape to suit the need and desires of a user (to better fit in a tight location or ease manufacture by allowing a less labor-intensive shape).

38. Regarding claim 2, Morghen further discloses the notch comprises a generally U-shape notch (see figures).

39. Regarding claim 4, Morghen further discloses the coupler comprises a first coupler (22) and a second coupler (26).

40. Regarding claim 5, Morghen further discloses said first coupler and said second couple have a respective first coupling hole (24) and a second coupling hole (aperture of 28) therethrough.

41. Regarding claim 6, Morghen further discloses said first and second coupling holes are coaxial.

42. Regarding claim 7, Morghen further discloses the anchor body comprises a first body portion (14, 18, etc.) and a second body portion (16, 40, etc.), said first body portion having the coupler and said second body comprising said notch.

43. Regarding claims 9 and 10, Morghen further discloses the second body portion is fixedly coupled to the first body portion (via elements 17) forming a unitary structure.

44. Regarding claim 11, Morghen further discloses the first body portion has a first planar member (14) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member.

45. Regarding claims 13 and 14, Morghen further discloses said first body portion further comprises an extension portion (17) having a circular shape, said extension portion extending into said second body portion.

46. Regarding claim 21, Morghen further discloses the second body portion comprises a channel (through which 17 passes) therethrough for receiving a fastener (17), said fastener coupling said first body portion and said second body portion.

47. Regarding claim 22, Morghen further discloses a fastener plate (41) coupled to the second body portion.

Response to Arguments

48. Applicant's arguments, see remarks, filed 4 October 2006, with respect to the claim objections and 35 USC 112 claim rejections have been fully considered and are persuasive. The claim objections and 35 USC 112 claim rejections have been withdrawn.

49. The remainder Applicant's arguments filed 4 October have been fully considered but they are not persuasive. The use of the term "fixed-dimension" in relation to the notch is not viewed as distinguishing over the prior art. The dimensions of Applicant's notch appear to be fixed only by a threaded fastener (elements 76 and 80) in very much the same way that the dimensions of notches in the cited references are. Like Applicant's notch, the notches of the prior art will be fixed so long as the fastener is tightened and held stationary. Further, it is noted that the Celette reference does in fact disclose a coupler that can be considered trapezoidally shaped. The definition of a

trapezoid simply requires two sides of a four-sided shape to be parallel, a limitation that is clearly met by Celette's coupler. Finally, the word "unitary" does not in itself require one-piece construction, only that the parts comprise a unit.

Conclusion

50. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG
11/17/2006

JAMES O. HANSEN
PRIMARY EXAMINER